

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

John Barrett, James Chisholm,)
Ronald DeLong, Robert Durr, Dana Gabel,)
Joseph Giacomini, and Leendert)
Ringlever,)

Plaintiffs,)

vs.)

Civil Action No. 4-608

Viacom, Inc., successor by merger to)
CBS Corporation, formerly)
known as Westinghouse Electric)
Corporation,)

Defendant.)

AMBROSE, District Judge

OPINION
and
ORDER OF COURT

Defendant has filed a Motion to Strike Plaintiffs' Undisclosed "Expert" Evidence. See Docket No. [215]. Plaintiffs oppose the Motion. See Docket No. [223]. The parties' arguments mirror those set forth by the parties in the Albright v. Viacom, 4-609 (W.D. Pa) litigation. For that reason, I adopt my ruling set forth in my Opinion and Order granting the Defendant's Motion to Strike in Albright v. Viacom, 4-609 (W.D. Pa.). Specifically, as in the Albright litigation, here the Plaintiffs blatantly disregarded pretrial discovery orders regarding the identification of experts; I have previously excluded all statistical evidence about which any such expert could testify; and the procedural posture of this case precludes the re-opening of

discovery. Additionally, the Defendant would suffer prejudice were the Motion denied and Plaintiffs permitted to utilize Mann as an expert. The Defendant would suffer harm in the nature of the additional time it would take to resolve this case and the additional expense necessary to conduct further discovery and retain an expert to address Mann's contentions.

Accordingly, on this 24th day of June, 2010, the Defendant's Motion to Strike (Docket No. [215]) is GRANTED.

BY THE COURT:

/s/Donetta W. Ambrose
Donetta W. Ambrose,
U.S. District Judge